

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:04-00016

RASHAWN EUGENE BEATTY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 30, 2009, the United States of America appeared by Steven Ruby, Assistant United States Attorney, and the defendant, Rashawn Eugene Beatty, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Keith E. Zutaut, the defendant having commenced a 35-month less seven day term of supervised release in this action on April 3, 2009, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on April 6, 2009.

The court heard the admissions of the defendant, the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the state offenses of fleeing while under the influence of alcohol and driving under the influence of alcohol for which he was arrested on November 1, 2009, as evidenced by the defendant's admission on the record of the hearing; (2) that the defendant, during the course of the above-noted arrest on November 1, 2009, committed the state offense of resisting arrest as found by the court by a preponderance of the evidence on the record of the hearing; and (3) that the defendant used marijuana as evidenced by a positive urine specimen submitted by him on June 23, 2009, and as admitted by him on the record of the hearing; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously


imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of twenty-one months of supervised release upon the standard conditions of supervised release now in effect in this district and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 7, 2009



John T. Copenhaver, Jr.
United States District Judge